



16558 U.S. PTO

Attorney's Docket No. 1209-47

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop: PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

17548 U.S. PTO
10/803062



NONPROVISIONAL PATENT APPLICATION TRANSMITTAL

Sir:

Transmitted herewith for filing is the patent application of:

First Named Inventor (or Inventors):

**Joseph T. Stango
Guodong Zhang**

Title of Application:

TRANSIENT CONTROL SOLUTION FOR OPTICAL NETWORKS

1. Type of Application (37 C.F.R. 1.53(b))

This application is a(n):

☒ Original (nonprovisional) application.

☐ Continuing application:

☐ Divisional

☐ Continuation

☐ Continuation-in-Part (CIP)

of Serial No. _____, filed on _____.

CERTIFICATION UNDER 37 C.F.R. 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed herein are being deposited with the United States Postal Service on this date, March 17, 2004, in an envelope as "Express Mail to Addressee" Mailing Label Number EL 830210591 US, addressed to Mail Stop: Patent Application, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Tricia Tucci

Name of person mailing paper

Signature of person mailing paper

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

- ☐ This new application claims the benefit of prior U.S. application(s).
- ☐ A Preliminary Amendment is enclosed amending this application to state the relation of this application to prior applications.
- ☐ The relation of this application to prior applications is stated in the application.

3. 35 U.S.C. 119(a)-(d) or 35 U.S.C. 365(a)-(b) Foreign Priority Claim for Prior Application

This application, and prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 2, claim(s) priority from one or more foreign applications as follows:

(Country)	(Application No.)	(Filing Date) (mm/dd/yyyy)

- ☐ Please amend the specification by inserting, after the title, the following:
- ☐ "The application claims priority from Application No. _____ filed on _____."

Certified copy(ies) of the application(s) from which priority under 35 U.S.C. 119 is claimed:

- ☐ has(have) been filed on _____, in prior application _____, which was filed on _____.
- ☐ is (are) enclosed.
- ☐ will follow.

4. **Enclosed Papers Required to Obtain Application Filing Date under 37 C.F.R. 1.53(b)**

15 Pages of Specification
7 Pages of Claims
1 Pages of Abstract
3 Sheets of Drawings ☒ Formal ☐ Informal

5. **Oath or Declaration**

- ☒ Newly executed Oath or Declaration (original or copy) is enclosed.
- ☐ Copy of Oath or Declaration from prior continuation or divisional application _____ (37 C.F.R. 1.63(d)).
- ☐ The entire disclosure of the prior application, from which a copy of the oath or Declaration is supplied, is considered as being a part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☒ A Power of Attorney is included in the Oath or Declaration.
- ☐ Not enclosed.

6. **Additional Papers Enclosed**

- ☒ Return Receipt Postcard (specifically itemized) (M.P.E.P. § 503).
- ☐ Application Data Sheet (Voluntary under 37 C.F.R. 1.76).
- ☐ Preliminary Amendment.
- ☒ Information Disclosure Statement (37 C.F.R. 1.98).
- ☒ Form PTO-1449 ☒ Copies of IDS Citations
- ☐ Nucleotide and/or Amino Acid Sequence Listing computer-readable copy, paper copy, and statement verifying identity of computer-readable and paper copies.
- ☐ Certified Copy of Priority Document(s).
- ☐ Verified translation of non-English language application (37 C.F.R. 1.52(d)).
- ☒ Other: Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i).

7. **Assignment**

- ☒ An assignment of the invention to **AT&T Corporation**.
- ☒ is enclosed. A separate:
- ☐ "Cover Sheet for Assignment (Document) Accompanying New Patent Application" is enclosed.
- ☒ Form PTO-1595 is enclosed.
- ☐ was made in prior application No. _____, filed on _____.
- ☐ A copy of the assignment (and any recordation cover sheet) is enclosed.
- ☐ will follow.
- ☐ Not enclosed.

8. **Request That Application Not Be Published Pursuant to 35 U.S.C. 122(b)(2)**

- ☒ Pursuant to 35 U.S.C. 122(b)(2), Applicant(s) hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

9. Fee Calculation (37 C.F.R. 1.16)

Utility Application (37 C.F.R. 1.16(a)) Basic Fee \$770.00

FEES FOR CLAIMS AS FILED

Number filed	Number extra		Rate		
Total Claims (37 C.F.R. 1.16 (c))	31	- 20	= 11	x \$ 18.00	= \$ 198.00
Independent Claims (37 C.F.R. 1.16(b))	3	- 3	= 0	x \$ 86.00	= \$ 0.00
Multiple Dependent Claims (37 C.F.R. 1.16(d))				+ \$ 290.00	= \$ 0.00

Fee Calculation for Extra Claims \$ 198.00

- ☐ Amendment canceling extra claims enclosed.
- ☐ Amendment deleting multiple-dependencies enclosed.

Total Filing Fee Calculation **\$ 968.00**

10. Small Entity Statement

- ☐ Small entity status is claimed under 37 C.F.R. 1.27.

Filing Fee Calculation (50% of Filing Fee calculated in Item 9 above) \$ _____

11. Fee Payment

- ☐ Not enclosed. No filing fee is to be paid at this time.

- ☒ Enclosed:

☒ Basic filing fee (Item 9 or 10 above) **\$ 968.00**

☒ Fee for recording Assignment
\$40.00 (37 C.F.R. 1.21(h)) **\$ 40.00**

☐ Processing and retention fee
\$130.00 (37 C.F.R. 1.53(d) and 1.21(l)) \$ _____

Total fees enclosed **\$ 1,008.00**

12. Method of Payment of Fees

- ☒ Check in the amount of \$ 1,008.00.
- ☐ Charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate of this transmittal is enclosed.

13. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 08-2461:
- ☒ 37 C.F.R. 1.16(a), (f), or (g) (filing fees)
- ☒ 37 C.F.R. 1.16(b), (c), and (d) (presentation of extra claims)
- ☐ 37 C.F.R. 1.16(e) (surcharge for filing the basic fee and/or declaration at a date later than the filing date of the application)
- ☒ 37 C.F.R. 1.17 (application processing fees)

A duplicate of this transmittal is enclosed.

14. Instructions as to Overpayment

- ☒ Credit Deposit Account 08-2461. ☐ Refund.

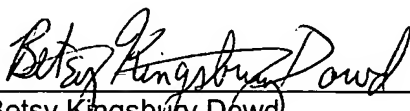
15. Correspondence Address

- ☒ Customer Number or Bar Code Label: **23869**

Please address all correspondence to:

Betsy K. Dowd
HOFFMANN & BARON, LLP
6900 Jericho Turnpike
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Telephone: 516-822-3550
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Betsy Kingsbury Dowd
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Attorney/Agent for Applicant(s)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

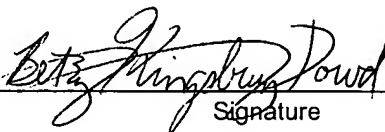
NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)		First Named Inventor	Stango, et al.
		Title	TRANSIENT CONTROL SOLUTION FOR OPTICAL NETWORKS
		Attorney Docket Number	1209-47

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 17, 2004

Date


Signature

516-822-3550

Telephone number

Betsy Kingsbury Dowd

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.